Office of the Correctional Investigator

2012-13

Departmental Performance Report

The Honourable Steven Blaney, P.C., M.P.
Minister of Public Safety and Emergency Preparedness

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Correctional Investigator's Message

The Office of the Correctional Investigator (OCI) was established in 1973 to function as an ombudsman for federally sentenced offenders. From the beginning, our independent and external oversight of the correctional system has enhanced accountability and transparency for Parliamentarians and Canadians. Moreover, we have played an important role in ensuring that Canada's correctional system is not only managed fairly and humanely but also in a way that is consistent with the expectations and values of Canadians. We believe our recommendations made to the Correctional Service of Canada (CSC) have made a difference in the lives of Canadians and contributed to the protection of rights and the maintenance of a peaceful society.

This Departmental Performance Report identifies accomplishments stemming from the following six key priorities which are discussed in the 2012-13 Report on Plans and Priorities: access to mental health services; preventing deaths in custody; conditions of confinement; issues facing Aboriginal offenders; access to correctional programming; and, issues affecting federally sentenced women offenders.

During the reporting period, the Office's team of investigators cumulatively spent more than 330 days in federal institutions, interviewed 1,309 offenders and conducted 245 formal investigations. We received over 5,400 complaints/inquiries from federal offenders, over 18,000 contacts were made via our toll-free number and over 1 million visitor hits were recorded on our website. In addition, our Use of Force team conducted over 1,400 file reviews. We also reviewed 152 cases stemming from the *Corrections and Conditional Release Act* (*CCRA)* section 19 involving serious bodily injury and deaths in custody. These are significant achievements for an agency with 34 full-time equivalents.

The number of calls received or files opened are not the only, even the best, measures of workload. The complexity of issues addressed and the compound nature of many complaints must also be considered. Moreover, the Office continues to identify, invest and address systemic issues of concern in an attempt to reduce the overall number of individual offender complaints.

Of note in this regard, during this reporting period, my Office released a Special Report tabled in Parliament for only the second time in its history. Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act was tabled March 7, 2013. It has been 20 years since the *CCRA* came into force, and a systematic investigation of sections 81 and 84 of the Act was both timely and important. This investigation aimed to determine the extent to which the CSC fulfilled Parliament's intent at the time that the *CCRA* came into force. It examined the status and use of section 81 and 84 provisions in federal corrections for the period ending March 2012, identified some best practices in Aboriginal corrections and assessed the commitment by CSC to adopt principles set out in the Supreme Court of Canada's landmark decision of *R. v. Gladue*.

Canadians expect their correctional authority to both uphold and model the principles and values of a free and democratic society – transparency, accountability, equality, respect for human rights and fairness. It is not without purpose that I continue to call on the CSC to respond publicly (and therefore openly and transparently) to my recommendations. This means more than simply meeting government reporting requirements. It means being proactive to make sure quality information is readily available and reasons for decisions are clearly and fully stated. In my view, the matters that are brought forward in our reports are of significant public interest and concern. Most offenders will eventually return to their home communities upon release. Conditions of confinement should support their preparation for community reintegration. After all, the point of prison is not to make model inmates, but to aid them to become better citizens.

It is with great pride that I submit this Departmental Performance Report which provides information on how my Office has fulfilled its important mandate with professionalism and excellence in fiscal year 2012-13.

Howard Sapers
Correctional Investigator

Section I: Organizational Overview

Raison d'être

As the ombudsman for federally sentenced offenders, the OCI serves Canadians and contributes to safe, lawful and humane corrections through independent oversight of the CSC by providing accessible, impartial and timely investigation of individual and systemic concern. While an independent organization, the OCI is part of the Public Safety Portfolio.

Responsibilities

The mandate of the OCI, as defined by the *CCRA*, is to function as an Ombudsman for federal offenders. The OCI is independent of the CSC and may initiate an investigation on receipt of a complaint by or on behalf of an offender, at the request of the Minister or on its own initiative. The Correctional Investigator is required by legislation to report annually through the Minister of Public Safety and Emergency Preparedness to both Houses of Parliament.

Strategic Outcome and Program Alignment Architecture

Government of Canada Outcome
Safe and secure communities
Strategic Outcome
The problems of offenders in the federal correctional system are identified and resolved in a timely fashion
Programs
Ombudsman for federal offenders
Internal services

Organizational Priorities

Priority	Type[1]	Program
Investigate and resolve individual offender issues	Ongoing	Ombudsman for federal offenders
Summary of Progress		
What progress has been made towards this priority? • All complaints received were prioritized, addressed and documented by investigative staff and cases were closed accordingly in the case management tool – DATIS. Functional enhancements to the case management tool minimized data integrity issues observed in the past.		

Priority	Type	Program
Monitor, evaluate and provide representations on the CSC's management of mandated issues (s. 19 investigations and use of force incidents)	Ongoing	Ombudsman for federal offenders
Summary of Progress		
What progress has been made towards this priority? • Section 19 of the *CCRA* requires that the OCI review all investigations conducted by the CSC following the death or serious bodily injury to an inmate. The Office reviewed 152 cases and met all service targets. Progress in this regard is measured by the number of cases that are not reviewed. • In keeping with the recommendations of the *Arbour Commission of Inquiry*, the review and assessment of 1,400 use of force incidents was completed with all service standard targets met.		

[1] Type is defined as follows: **previously committed to**—committed to in the first or second fiscal year prior to the subject year of the report; **ongoing**—committed to at least three fiscal years prior to the subject year of the report; and **new**—newly committed to in the reporting year of the RPP or DPR. If another type that is specific to the department is introduced, an explanation of its meaning must be provided.

Priority	Type	Program
Investigate, resolve and provide leadership on specifically identified systemic issues of offender concern (e.g., Mental health issues; Aboriginal offender issues; preventatble deaths in custody; program access; segregation, and conditions of confinement)	Ongoing	Ombudsman for federal offenders
Summary of Progress		
What progress has been made towards this priority? • During the reporting period, the Office continued to focus on system-wide concerns: a case study examining the treatment of chronic self-injurious women offenders; a review of practices at a maximum security penitentiary, an investigation of "natural" cause deaths in federal custody; and, a review of Aboriginal people and the *CCRA*. In addition, the summary results of a review of the Black inmate experience in federal corrections that is part of a larger thematic focus, was undertaken on diversity in corrections.		

Priority	Type	Program
Information Management (IM)	Ongoing	Ombudsman for federal offenders
Summary of Progress		
What progress has been made towards this priority? • During the reporting period, the OCI continued the implementation of the 3-year IM Strategic Plan which included the assessment of a correspondence management application, an ATIP solution and other records management tools.		

Risk Analysis

Risk	Risk Response Strategy	Link to Program Alignment Architecture	Link to Organizational Priorities
The resolution of complaints in an environment traditionally closed to public scrutiny requires that the Office not only be, but be seen to be independent of the CSC, Public Safety Canada and the Minister of Public Safety and Emergency Preparedeness.	• The organization's independent nature is entrenched in its enabling legislation – the *CCRA*. • This risk was identified in the 2012-13 Report on Plans and Priorities. • This is an historical risk for the organization. This has not changed.	Strategic Outcome: The problems of offenders in the federal correctional system are identified and resolved in a timely fashion Program: Ombudsman for federal offenders	All three investigative priorities listed in the "Organizational Priorities" section of this report.
The Office's mandate is national in scope and the sheer number and complexity of issues managed require flexibility and constant re-evaluation of priorities. The client base and network of stakeholders are dispersed in a large number of often geographically remote locations throughout Canada.	• As a micro agency, the Office relies on 22 FTEs involved in the Investigative Stream to ensure that federal offender complaints and correctional systemic issues are responded and addressed in a meaningful and timely manner. To achieve this, a nimble approach to priority management is endorsed and staff flexibility is required to adapt to the changing environment. • This risk was identified in the 2012-13 Report on Plans and Priorities. • This is an historical risk for the organization. This has not changed.	Strategic Outcome: The problems of offenders in the federal correctional system are identified and resolved in a timely fashion Program: Ombudsman for federal offenders	All three investigative priorities listed in the "Organizational Priorities" section of this report.

Although permanent in nature, the organization continues to monitor the risks with a view to ensuring that the response strategies remain relevant and the delivery of its important mandate is continued.

Summary of Performance

Financial Resources – Total Departmental ($ thousands)

Total Budgetary Expenditures (Main Estimates) 2012–13	Planned Spending 2012–13	Total Authorities (available for use) 2012–13	Actual Spending (authorities used) 2012–13	Difference (Planned vs. Actual Spending)
$4,663	$4,674	$4,801	$4,576	$98

Human Resources (Full-Time Equivalents— FTEs)

Planned 2012–13	Actual 2012–13	Difference 2012–13
36	34	2

Several parental leave situations impacted the FTE utilization in the reporting period.

Performance Summary Table for Strategic Outcome and Programs ($ thousands)

Strategic Outcome 1: The problems of offenders in the federal correctional system are identified and resolved in a timely fashion.

Program	Total Budgetary Expenditures (Main Estimates 2012–13)	Planned Spending			Total Authorities (available for use) 2012–13	Actual Spending (authorities used)			Alignment to Government of Canada Outcomes
		2012–13	2013–14	2014–15		2012–13	2011–12	2010–11	
Ombudsman for federal offenders	$3,650	$3,730	$3,653	$3,467	$3,705	$3,515	$3,716	$3,241	Safe and Secure Communities
Strategic Outcome 1 Sub-Total	$3,650	$3,730	$3,653	$3,467	$3,705	$3,515	$3,716	$3,241	

Performance Summary Table for Internal Services ($ thousands)

Internal Services	Total Budgetary Expenditures (Main Estimates 2012–13)	Planned Spending			Total Authorities (available for use) 2012–13	Actual Spending (authorities used)		
		2012–13	2013–14	2014–15		2012–13	2011–12	2010–11
	$1,013	$944	$1,137	$1,218	$1,095	$1,062	$1,221	$838
Sub-Total	$1,013	$944	$1,137	$1,218	$1,095	$1,062	$1,221	$838

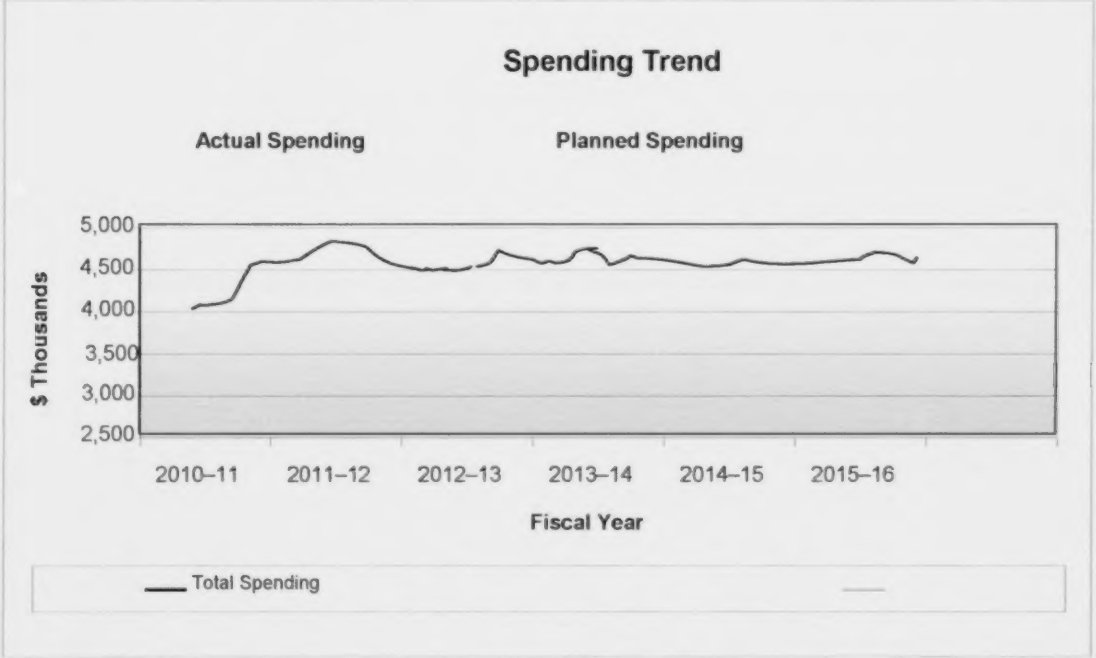
Total Performance Summary Table ($ thousands)

Strategic Outcome(s) and Internal Services	Total Budgetary Expenditures (Main Estimates 2012–13)	Planned Spending			Total Authorities (available for use) 2012–13	Actual Spending (authorities used)		
		2012–13	2013–14	2014–15		2012–13	2011–12	2010–11
	$4,663	$4,674	$4,790	$4,685	$4,801	$4,577	$4,937	$4,079
Total	$4,663	$4,674	$4,790	$4,685	$4,801	$4,577	$4,937	$4,079

For three consecutive fiscal year periods, beginning with 2010-11, the organization's appropriation increased incrementally to address workload pressures in both the investigative and corporate streams and to ensure the delivery of the legislative mandate. The current reporting period represents year three of that funding increase. Historically, actual spending has remained stable year over year averaging $4,518 in the last three fiscal years.

Expenditure Profile

Departmental Spending Trend



The organization's actual, forecast and planned spending is consistent with a minor increase in actual spending in 2011-12. This was the result of changes to conditions of employment and the accumulation of severance benefits under the employee severance pay program that ceased in 2012. Most employees subject to these changes were paid out the full value of benefits earned and accumulated to date.

Estimates by Vote

For information on the OCI's organizational Votes and/or statutory expenditures, please see the *Public Accounts of Canada 2013 (Volume II)*[i]. An electronic version of the Public Accounts 2013 is available on the Public Works and Government Services Canada website.

Section II: Analysis of Programs by Strategic Outcome

Strategic Outcome

Strategic Outcome: The problems of offenders in the federal correctional system are identified and resolved in a timely fashion		
Performance Indicators	**Targets**	**Actual Results**
Percentage of recommendations from the Annual Report and other significant reports issued by the OCI that are responded to by the CSC.	100%	The CSC responded to 100% of the OCI's recommendations enumerated in its Annual Report.
Following prioritization of workload, percentage of offender complaints responded to (closed cases in DATIS) in a timely fashion.	100%	The Office met its service target in responding to offender complaints by prioritizing, addressing and closing them accordingly in the case management tool (DATIS).

Programs

Financial Resources – For Program Level ($ thousands)

Ombudsman for federal offenders

Total Budgetary Expenditures (Main Estimates) 2012–13	Planned Spending 2012–13	Total Authorities (available for use) 2012–13	Actual Spending (authorities used) 2012–13	Difference 2012–13
$3,650	$3,730	$3,763	$3,515	($215)

Human Resources (Full-Time Equivalents — FTEs) – For Program Level

Planned 2012–13	Actual 2012–13	Difference 2012–13
31	29	2

Performance Results – For Program Level

Expected Results	Performance Indicators	Targets	Actual Results
To provide responsive and timely Ombudsman services to federal offenders.	Percentage of completed institutional visits.	90% meet completion rate as per OCI policy and service delivery standards.	The organization was successful in meeting this target.
	Percentage of responses to individual offender complaints (closed cases) by timeframe.	85% completion rate as per OCI policy and service delivery standards.	The Office was mostly successful in this regard with an average response time of 82%.
	Percentage of usage by inmate population of OCI services as indicated by the number of interviews and contacts as per DATIS entries.	Percentage of usage in comparison to previous fiscal year.	The results were generally consistent with previous reporting periods. A trend analysis was completed to identify anomalies and confirm the level of access to OCI services.
	Number of section 19 and Use of Force cases reviewed.	100% completion rate as per OCI policy and service delivery standards.	The OCI reviewed 152 cases stemming from the *CCRA* section 19 involving serious bodily injury and deaths in custody within the prescribed standard. Moreover, the Use of Force team conducted over 1,400 file reviews and met established service standards.

Internal Services

Total Budgetary Expenditures (Main Estimates) 2012–13	Planned Spending 2012–13	Total Authorities (available for use) 2012–13	Actual Spending (authorities used) 2012–13	Difference 2012–13
$1,013	$944	$1,095	$1,062	$118

Human Resources (Full-Time Equivalents — FTEs) – For Program Level

Planned 2012–13	Actual 2012–13	Difference 2012–13
5	5	0

Performance Analysis and Lessons Learned

A complement of four Intake Officers responded to over 18,000 contacts; dealt with an average of 20 complaints per day (mostly from offenders) via the organization's toll-free number, analyzed the information provided by the caller and in many cases, resolved the issue or directed the case appropriately to an investigator with a view to addressing the matter. Moreover, investigative staff carried out professional, timely and responsive analysis of offender complaints and investigations throughout the reporting period – thus ensuring the delivery of the Office's important mandate.

The Investigative Stream continued its focus on systemic concerns/investigations: a case study examining the treatment of chronic self-injurious women offenders; a review of practices at a maximum security penitentiary; and, an investigation of "natural" cause deaths in federal custody. In addition, the summary results of a review of the Black inmate experience in federal corrections are featured in this year's Annual Report, part of a larger thematic focus that the Office has undertaken on diversity in corrections.

Once again, the number and frequency of institutional visits and offender interviews across the country ensured an organizational presence with clients. This presence resulted in the continuing demand for the Office's services and a greater awareness and understanding of the Office's role and mandate. The challenge in the reporting period, as always, remained in striking a workable balance between managing daily complaints and involving investigative staff in the completion of systemic investigations. To that end, the senior management committee discussed a variety of delivery models used in other ombudsman-type organizations in the management of systemic investigations. These discussions exploring best practices will continue in the next reporting period.

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are: Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; Acquisition Services; and Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across an organization and not to those provided specifically to a program.

The Internal Services program activity is managed to ensure full compliance with relevant Government of Canada policies and guidelines, legislation as well as OCI-specific policies and directives. This is accomplished through the development of internal control processes and the provision of training in key corporate areas. In addition, employees working in this field demonstrated an enhanced sense of client service to the organization, its employees and members of the Public Safety Portfolio.

Of note, the internal services function has seen an important shift in two specific areas. First, there is an expectation that organizations, including small agencies, recognize the importance of government-wide shared services initiatives by participating in the working and steering committees required to support them. The OCI was involved with the Shared Case Management System Project and the Common Human Resources Business Process Project. Secondly, Central Agencies have worked, with limited success, to reduce the reporting burden for government organizations; however, new reporting requirements have increased from the Minister's Office as well as the Public Safety Portfolio. The OCI's Internal Services capacity and resources were challenged by this new reality in the reporting period.

During the reporting period, the Office of the Comptroller General finalized its Horizontal Internal Audit of Integrated Business and Human Resource Planning. This audit supported the organization's current practices and control processes.

Section III: Supplementary Information

Financial Statements Highlights

Condensed Statement of Operations and Departmental Net Financial Position

Office of the Correctional Investigator Condensed Statement of Operations and Departmental Net Financial Position (Unaudited) For the Year Ended March 31, 2013 ($ dollars)					
	2012–13 Planned Results	**2012–13 Actual**	**2011–12 Actual**	**$ Change (2012–13 Planned vs. Actual)**	**$ Change (2012–13 Actual vs. 2011–12 Actual)**
Total expenses	$5,376,574	$5,239,244	$5,271,800	$137,330	($32,566)
Total revenues	$100.00	$0.00	$0.00	$100.00	$0.00
Net cost of operations before government funding and transfers	$5,376,474	$5,239,244	$5,271,800	$137,230	($32,566)
Departmental net financial position		($629.758)	($516,681)		$113,007

The expenses incurred by the organization as a result of the Services Provided Without Charge by Other Government Departments, such as accommodations and the Employer's contribution to the health and dental insurance plans, represent 93% of the Departmental net financial position in 2012-13 and 91% in 2011-12. Although the organization does not receive funding for these services, they are still considered when calculating the net cost of the operations.

Condensed Statement of Financial Position

Office of the Correctional Investigator Condensed Statement of Financial Position (Unaudited) As at March 31, 2013 ($ dollars)			
	2012–13	**2011–12**	**$ Change**
Total net liabilities	$773,631	$653,011	$120,620
Total net financial assets	$143,673	$136,330	$10,343
Departmental net debt	$629,758	$516,681	$113,077
Total non-financial assets	-	-	-
Departmental net financial position	($629,758)	($516,681)	$113,007

Financial Statements

The Office of the Correctional Investigator 2012-13 Financial Statements (unaudited) can be found on the organization's website.[ii]

Supplementary Information Tables

The 2012-13 Departmental Performance Report does not contain supplementary information tables.

Tax Expenditures and Evaluations Report

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance publishes cost estimates and projections for these measures annually in the *Tax Expenditures and Evaluations*[iii] publication. The tax measures presented in the Tax Expenditures and Evaluations publication are the sole responsibility of the Minister of Finance.

Section IV: Other Items of Interest

Organizational Contact Information

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- 2011-12 Annual Report and upcoming 2012-13 Annual Report
http://www.oci-bec.gc.ca/cnt/rpt/index-eng.aspx#AR[iv]

- Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act
http://www.oci-bec.gc.ca/cnt/rpt/oth-aut/oth-aut20121022-eng.aspx[v]

- Core Control Audit of the Office of the Correctional Investigator
http://www.oci-bec.gc.ca/cnt/rpt/oth-aut/oth-aut201102-eng.aspx[vi]

Endnotes

i http://www.tpsgc-pwgsc.gc.ca/recgen/cpc-pac/index-eng.html
ii http://www.oci-bec.gc.ca/cnt/rpt/index-eng.aspx#FinState
iii http://www.fin.gc.ca/purl/taxexp-eng.asp
iv http://www.oci-bec.gc.ca/cnt/rpt/index-eng.aspx#AR
v http://www.oci-bec.gc.ca/cnt/rpt/oth-aut/oth-aut20121022-eng.aspx
vi http://www.oci-bec.gc.ca/cnt/rpt/oth-aut/oth-aut201102-eng.aspx